

MEMO

To: Robert Rubin
From: Bernard Zimmerman
Subject: Treatment of Aliens
Date: May 23, 1995

Greetings from Micronesia! Or should I say Hafa Adai. With the Convention scheduled to start in about 10 days, I am trying to get a head start on some of the foreseeable legal issues. I thought you might have run across some of those dealing with aliens and perhaps could jump start us.

Aliens compromise about half, and may even be a majority, of the CNMI population. Most are contract workers from the Phillipines or other areas in SE Asia. They come here usually for about 4 years to work principally in the tourist trade because of a lack of local workers to handle the over half million tourists a year. Some, I have heard 10%, stay over and become "illegal".

Because of their numbers, the alien workers tend to strain local services, especially schools. One issue is whether the CNMI can charge aliens a fee for such services? Would it make a difference if the fee was prospective and made a condition of entering the country? What if the fee were charged the employer, much as mitigation fees are assessed in the US?

Another set of issues has to do with what are seen as abuses by aliens. Some apparently stay over by marrying a local (natives are US citizens) who then adopts the bride's family, making them all citizens, after which the couple divorce. Can anything be done to regulate such marriages of convenience? Other female workers arrive during pregnancy so their children can be born citizens? Can births of convenience be regulated? Is regulation feasible through the employer, such as by requiring employers to dismiss and expel alien workers who have illegitimate children?

Finally, what can be done to alien workers who violate CNMI law? Can they be expelled or deported? Can their employers be required to dismiss and expel them?

I expect I know your reaction to some of these issues, but they are serious issues here and I wish to respond thoughtfully. Keep in mind that I am not an immigration lawyer. I am not asking for any research, unless you have some on any of these issues. I would appreciate your taking a few minutes to give me your reactions and advise me whether you know of any cases or writings on these issues. The easiest way to reach me is by return fax(011-670-234-7530). If you wish to talk, the easiest time is late afternoon or evening your time. Fax me a time and I will call you. If you wish to send me anything, just contact Grace(553-9305) and she will send it.

cc Legal Team